

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 20, 2006. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 112, First Paragraph**

Claim 29 has been rejected under 35 U.S.C. § 112, first paragraph, for the allegedly failing to comply with the written description requirement. Specifically, it is alleged that the specification did not adequately identify determining printer availability, determining ability to complete a print job in an expected time, and providing a countdown in "real-time". Applicant disagrees.

Regarding real-time determining printer availability, Applicant directs the Examiner's attention to page 9, lines 24-27, which state: "the assessor 25 determines whether the provisionally selected localized printer candidate is available. To determine availability, the assessor 25 verifies, preferably in *real-time*, whether the localized printer candidate is operational" (emphasis added).

Regarding the real-time countdown, Applicant directs the Examiner's attention to page 10, lines 14-17, which state: "the status summary may include information regarding the localized printer 35 such as the printer's geographical location, a *real time* countdown until a printer job is completed, as well as the cost for printing" (emphasis added).

Finally, regarding determining ability to complete a print job in an expected time, Applicant directs the Examiner's attention to page 9, lines 27-30, which state: "The assessor 25 also verifies whether a resulting print job within an expected print time range

dictated by the network user parameters and is not delayed by a high volume of print traffic." Applicant notes that the above sentence appears immediately after the sentence describing verifying the printer is operational in real-time. From the context of the specification, it is clear that verifying timing of a print job is likewise conducted in real-time. Moreover, persons having ordinary skill in the art would appreciate that given that print traffic is a dynamic phenomenon that continually changes, any determination as to delay relative to print traffic must be performed in real-time.

In view of the above, Applicant submits that Applicant reasonably conveyed to persons skilled in the art that, as of the filing date thereof, the inventor had possession of the later-claimed subject matter. Accordingly, Applicant submits that the written description requirement of 35 U.S.C. § 112, first paragraph, is satisfied and requests that the rejection be withdrawn.

## **II. Claim Rejections - 35 U.S.C. § 102(b)**

Claims 29 and 30 have been rejected under 35 U.S.C. § 102(b) as being anticipated by *Lobiondo* (U.S. Pat. No. 5,287,194). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the Lobiondo reference. Applicant discusses the Lobiondo reference and Applicant's claims in the following.

Applicant's claim 29 provides as follows (emphasis added):

29. A printing method comprising:

receiving via a network a print command and user parameters that are to be used to select a printer, *the print command and user parameters having been provided using a network browser*, the user parameters including a printer location parameter *and* an expected print time parameter that reflects the time in which a printer is expected to complete the user's print job;

searching a plurality printers for a printer that satisfies the received user parameters;

identifying at least one candidate printer that satisfies the received user parameters;

*determining in real-time the availability of the at least one candidate printer,*

*determining in real-time whether the user's print job can be completed in the expected print time;*

selecting a printer from the at least one candidate printer;

*providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer,*

determining if the user would like to use the selected printer; and

if the user would like to use the selected printer, forwarding the print command to the selected printer to enable the selected printer to print a document for the user.

Lobiondo fails to teach several of the limitations of claim 29. First, Lobiondo does not teach receiving via a network a print command and user parameters, "the print command and user parameters having been provided using a network browser". Specifically, Lobiondo says nothing of a "network browser" being used to send a print command or user parameters.

Second, Lobiondo does not teach that the user parameters include "a printer location parameter *and* an expected print time parameter that reflects the time in which a printer is expected to complete the user's print job" (emphasis added). Although Lobiondo generally discusses considering location or timing issues, Lobiondo does not state that both factors are used at the same time when selecting a printer. Indeed, Lobiondo expressly teaches away from such operation in column 5 in which Lobiondo states that "the user is not required to enter time constraints" when a designated print location is to be specified. *Lobiondo*, column 5, lines 15-18.

Third, Lobiondo does not teach "determining in real-time the availability of the at least one candidate printer". Specifically, Lobiondo states that printer availability is determined from files located in a database that contain availability information. Nowhere does Lobiondo state that the files are updated real-time.

Fourth, Lobiondo does not teach "determining in real-time whether the user's print job can be completed in the expected print time". Regarding column 4, lines 22-29 of the Lobiondo reference, which were identified by the Examiner, Applicant notes that those lines say nothing about determining whether a print job can be completed in the expected print time. Instead, those lines discuss general concepts such as "optimally scheduling jobs."

Fifth, Lobiondo does not teach "providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer". Regarding that limitation, Lobiondo describes nothing that could reasonably be, termed a "real-time countdown" as to when a print job can be completed. Column 4, lines 22-29, 50-52, and 30-34 of the Lobiondo reference, which were identified by the Examiner, are devoid of any such teaching. Applicant requests that the Examiner identify with greater specificity where Lobiondo actually discloses providing information as to the status of the selected printer and a real-time countdown as to when the print job can be completed by the selected printer in those portions of the Lobiondo reference.

In view of the above, Applicant submits that claim 29, and claim 30 which depends therefrom, are allowable over the Lobiondo reference. Applicant therefore respectfully submits that the rejections should be withdrawn.


### **III. New Claims**

Claim 41 has been added into the application through this Response. Applicant respectfully submits that claim 41 describes an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that claim 41 be held to be allowable.

**CONCLUSION**

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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